

### TOP TEN HAZARDOUS WASTE VIOLATIONS

The Compliance Branch of the Indiana Department of Environmental Management (IDEM) feels it will be helpful to identify the most common violations of hazardous waste regulations. The following list shows, in descending order, the ten violations found most frequently during inspections conducted by IDEM hazardous waste inspectors during calendar year 1998. For each violation, there is also a regulatory citation indicating where the particular standard is found in the federal regulations and a reference to a guidance document available from the Hazardous Waste Compliance Branch that contains additional information on the standard.

#### **1. Lack of a proper waste determination 40 CFR 262.11**

While this is the most frequently cited violation, it is also the most fundamental management issue. Failure to properly identify a waste stream leads to numerous additional violations. Examples of when this is cited include “orphan” drums containing an unknown substance, contaminated wipes or rags, filters, and discarded fluorescent lightbulbs. Facilities should have procedures for identifying all materials and conducting waste determinations prior to, or at the time of, waste generation.

Guidance Documents: Understanding the Hazardous Waste Determination Process; Indiana’s Universal Waste Rule; and Management of Contaminated Wipes

#### **2. Satellite containers of hazardous waste not properly managed 40 CFR 262.34(c)(1)**

The use of satellite containers to accumulate hazardous waste is common. It is a violation of hazardous waste regulations to find satellite containers stored in areas that are not “at or near” the process or under the control of the operator or with an amount greater than 55 gallons. Other common satellite container violations include open containers (they should be stored closed) and lack of proper marking.

Guidance Document: Satellite Accumulation of Hazardous Waste by Generators; and Guidance on “Open Containers”

#### **3. Containers not marked with the words “Used Oil” 40 CFR 279.22(c)/329 IAC 13-4-3**

This regulation took effect in 1997. Tanks and containers storing used oil must be labeled or clearly marked with the words “Used Oil”. Fill pipes used to transfer used oil into underground storage tanks must also be marked with the words “Used Oil”.

Guidance Document: Complying with Indiana's Used Oil Rule

**4. Hazardous waste containers not marked with the start of accumulation date  
40 CFR 262.34(a)(2)**

Hazardous waste containers must be marked with the date when waste first began accumulating. This is generally the date waste was first placed in the container, or when a satellite container reaches 55 gallons. Large Quantity Generators (LQG's) may not accumulate waste for more than 90 days, and Small Quantity Generators (SQG's) may not accumulate hazardous waste for more than 180 days.

Guidance Document: Understanding the Hazardous Waste Rules: A Handbook for Small Businesses; also Satellite Accumulation of Hazardous Waste by Generators

**5. Lack of training or training documents                      40 CFR 262.34/265.16; 264.16**

All personnel involved in hazardous waste management at LQG's and Treatment, Storage, and Disposal (TSD) facilities are required to receive training on a yearly basis and document that training. SQG's must ensure that all employees involved in hazardous waste management are "thoroughly familiar" with proper waste handling and emergency procedures.

Guidance Document: Hazardous Waste Personnel Training

**6. Containers not marked with the words "Hazardous Waste" 40 CFR 262.34(a)(3)**

Containers accumulating hazardous waste in 90(180)-day accumulation areas must be marked with the words "Hazardous Waste".

Guidance Document: Understanding the Hazardous Waste Rules: A Handbook for Small Businesses

**7. Lack of a proper contingency plan                      40 CFR 262.34/265.52; 264.52**

LQG's and TSD's must have a contingency plan containing all the required information.

Guidance Document: Hazardous Waste Contingency Plans

**8. Satellite containers not properly marked                      40 CFR 262.34(c)(1)(ii)**

Satellite containers must be marked with the words "Hazardous Waste " or with other words that identify the contents of the containers.

Guidance Document: Satellite Accumulation of Hazardous Waste by Generators

**9. Release of contaminants IAC 13-30-2-1-4**

A facility may not deposit any contaminants on the ground. This is usually cited when there has been a used oil spill. Facilities should be managed to prevent and clean up used oil spills.

Guidance Document: Complying with Indiana's Used Oil Rule

**10. Hazardous waste containers not closed 40 CFR 262.34/265.173(a); 264.173(a)**

A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Guidance Document: Guidance on "Closed Containers"

**If you need documents, additional information, or have any questions or concerns, please contact the staff of the Compliance Branch, Office of Land Quality, at 317-234-6923. The IDEM toll-free telephone number (when calling within Indiana) is 1-800-451-6027.**